



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. }	Puducherry	Wednesday	19th	January	2011

GOVERNMENT OF PUDUCHERRY

HOME DEPARTMENT

(G.O. Ms. No. 1, dated 3rd January 2011)

NOTIFICATION

The Hon'ble Supreme Court of India in their judgment, dated 22-9-2006 in Writ Petition (Civil) No.310 of 1996 titled Prakash Singh and Others Vs. Union of India and Others had *inter alia* issued directions to Central Government/ State Governments/Union Territories to constitute Police Complaints Authority to look into the complaints against Police Officers.

2. Accordingly, the Lieutenant-Governor of Puducherry is pleased to constitute the Police Complaints Authority with the following composition:—

1. Thiru Justice P. Shanmugam, Judge (Retired), .. Chairman
High Court, Madras.
2. Thiru P.R. Ramanathan, I.A.S. (Retired), Puducherry .. Member
3. Mrs. A. Amalorpava Marie Victoria, No. 73, Chetty .. Member
Street, Puducherry- 1.
4. Joint Secretary (Home), Government of Puducherry .. Convenor-cum-
Secretary.

3. Functions:

(a) The functions of the Police Complaints Authority will be as under:-

(i) The Authority shall inquire into allegations of “serious misconduct” against police personnel, as detailed below, either *suo motu* or on a complaint received from any of the following:-

- (a) a victim or any person on his / her behalf;
- (b) the National Human Rights Commission;
- (c) the police, or
- (d) any other source.

Explanation : “Serious misconduct” for the purpose of this chapter shall mean any act or omission of a police officer that leads to or amounts to—

- (a) death in police custody;
- (b) grievous hurt, as defined in section 320 of the Indian Penal Code, 1860;
- (c) rape or attempt to commit rape;
- (d) arrest or detention without due process of law;
- (e) extortion;
- (f) land/house grabbing; or
- (g) any incident involving serious abuse of authority;

Provided that the Authority shall inquire into a complaint of such arrest or detention, only if it is satisfied *prima facie* about the veracity of the complaint.

(ii) The Authority may also inquire into any other case referred to it by the Lieutenant-Governor, Puducherry/Central Government.

(b) The power of the Police Complaints Authority will be as under:-

(i) The Authority may require any person or authority to furnish information on such points or matters as in the opinion of the Authority may be useful for or relevant to the subject matter of enquiry;

(ii) The Authority, before finalising its opinion, shall give the Police Officer heading the police force in the Union Territory an opportunity to present the department’s view and additional facts, if any not already in the notice of the Authority and in such cases, the Authority may review its findings on receipt of additional information from the Police Officer heading the police force in the Union Territory that may have a material bearing on the case.

(iii) In the cases directly inquired by the Authority, it may, upon completion of the inquiry, communicate its findings to the Police Officer heading the police force in the Union Territory with a direction to:-

(a) register a First Information Report; and/or

(b) initiate departmental action based on such findings, duly forwarding the evidence collected by it to the police.

(iv) The directions of the Authority shall ordinarily be binding, unless for the reasons to be recorded in writing, the Union Territory Administration decides to disagree with the findings of the Authority.

4. The Authority may submit its findings in a case within a period of 60 days from the date of receipt of the complaint and in case of inability to meet the deadline, the Authority may submit a report showing reasons therefor to the Lieutenant-Governor, Puducherry.

5. (a) The terms of the Office of the Chairperson and the members will be for three years and they may be entitled to the following remunerations:-

(i) Chairperson ₹ 3,500 per sitting, subject to the condition that the annual amount may not exceed ₹ 4.8 lakhs; and

(ii) Members ₹ 3,000 per sitting subject to the condition that the annual amount may not exceed ₹ 4.8 lakhs.

(b) The Chairperson or member of the Police Complaints Authority may be removed from office by the Lieutenant-Governor, Puducherry after giving him / her an opportunity to be heard. However, the Lieutenant-Governor, shall, on receipt of the response, record his / her findings and forward the entire case with his / her recommendations to the Central Government for obtaining its prior approval before issuing the orders.

(c) The Chairperson and members of the Police Complaints Authority shall not engage himself/ herself, during his/her term of office, in any paid employment, outside the duties of office without permission of the Union Territory Administration.

The Police Complaints Authority will be a computer based office. The Police Complaints Authority will be managed by the following staff :—

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| (i) Superintendent | .. 1 |
| (ii) Computer knowing Stenographer Grade III | .. 1 |
| (iii) Multi Task Staff | .. 1 |

(By order of the Lieutenant-Governor)

L. KUMAR,
Joint Secretary to Government.